

1 SETH ARONSON (S.B. #100153)  
saronson@omm.com  
2 CAROLYN KUBOTA (S.B. #113660)  
ckubota@omm.com  
3 TAMAR BRAZ (S.B. #264080)  
tbraz@omm.com  
4 O'MELVENY & MYERS LLP  
400 South Hope Street  
5 Los Angeles, California 90071-2899  
Telephone: (213) 430-6000  
6 Facsimile: (213) 430-6407

7 Attorneys for Defendant  
THOMAS C. TEKULVE, JR.  
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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11 **WESTERN DIVISION**

12  
13 SECURITIES AND EXCHANGE  
COMMISSION,

14 Plaintiff,

15 v.

16 PETER L. JENSEN AND THOMAS C.  
17 TEKULVE, JR.,

18 Defendants.  
19  
20  
21

Case No. CV 11-05316R (AGRx)

**ORDER GRANTING  
DEFENDANTS' MOTIONS IN  
LIMINE (1) TO EXCLUDE ALL  
REFERENCES TO SEC  
AGREEMENT WITH DOUGLAS  
HANSEN; (2) TO EXCLUDE  
CERTAIN EXPERT EVIDENCE  
AT TRIAL; (3) TO EXCLUDE  
ALL REFERENCES TO BASIN  
WATER, INC.'S IPO AS PART  
OF ANY SCHEME LIABILITY  
CLAIM; AND (4) TO EXCLUDE  
ALL REFERENCES TO BASIN  
WATER, INC.'S BANKRUPTCY**

Date: December 17, 2012  
Time: 11:00 a.m.  
Courtroom: 8  
Judge: Hon. Manuel L. Real

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26 On December 17, 2012, this matter came before this Court on (1) Defendant

27 [PROPOSED] ORDER GRANTING  
DEFENDANTS' MOTIONS *IN LIMINE* TO  
EXCLUDE (1) SEC AGREEMENT WITH  
HANSEN; (2) CERTAIN EXPERT  
28 EVIDENCE; (3) REFERENCES TO IPO AS  
PART OF SCHEME LIABILITY; AND (4)  
BASIN WATER, INC.'S BANKRUPTCY

1 Thomas C. Tekulve, Jr.'s Motion in Limine to Exclude All References to SEC  
 2 Agreement With Douglas Hansen (Docket No. 61); (2) Defendant Thomas C.  
 3 Tekulve, Jr.'s Motion in Limine to Exclude Certain Expert Evidence at Trial  
 4 (Docket No. 57); (3) Defendant Peter L. Jensen's Motion in Limine No. 1 to  
 5 Exclude All References to Basin Water Inc.'s IPO as Part of Any Scheme Liability  
 6 Claim (Docket No. 86); and (4) Defendant Peter L. Jensen's Motion in Limine No.  
 7 2 to Exclude All References to Basin Water Inc.'s Bankruptcy (Docket No.87).

8 Karen Matteson appeared on behalf of the Plaintiff Securities and Exchange  
 9 Commission; Seth Aronson and Carolyn Kubota of O'Melveny & Myers LLP  
 10 appeared on behalf of Defendant Thomas C. Tekulve, Jr.; and David Scheper and  
 11 William Forman of Scheper Kim & Harris LLP appeared on behalf of Defendant  
 12 Peter L. Jensen.

13 After considering all papers filed in support of and in opposition to said  
 14 motion, entertaining the arguments of counsel, and good cause appearing therefor,  
 15 the Court hereby **ORDERS** that:

- 16
- 17 1. Defendant Thomas C. Tekulve, Jr.'s Motion in Limine to Exclude All
- 18 References to SEC Agreement With Douglas Hansen is hereby
- 19 **GRANTED**, for the reasons stated on the record.
- 20

21 Plaintiff is hereby prohibited from making any argument or introducing at  
 22 trial any evidence, expert opinion, reference or inference through questioning or  
 23 otherwise, that relates to the 1994 SEC Complaint and administrative proceeding  
 24 against Mr. Hansen, including all references to: Depo. Exhibit 909 (Sept. 28, 2004  
 25 Complaint); Depo. Exhibit 904 (Feb. 15, 1995 Final Judgment of Permanent  
 26

27 [PROPOSED] ORDER GRANTING  
 DEFENDANTS' MOTIONS *IN LIMINE* TO  
 EXCLUDE (1) SEC AGREEMENT WITH  
 HANSEN; (2) CERTAIN EXPERT  
 EVIDENCE; (3) REFERENCES TO IPO AS  
 PART OF SCHEME LIABILITY; AND (4)  
 BASIN WATER, INC.'S BANKRUPTCY

1 Injunction as to Douglas Hansen); Depo. Exhibit 905 (February 14, 1995 Consent  
2 of Douglas C. Hansen to Injunction); Depo. Exhibit 910 (Jan. 26, 1995 Offer of  
3 Settlement of Douglas C. Hansen); or Depo. Exhibit 908 (Mar. 13, 1995 Order  
4 Instituting Proceedings Pursuant to Rule 2(e)(3)(i)(A)).

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6 2. Defendant Thomas C. Tekulve, Jr.'s Motion in Limine to Exclude  
7 Certain Expert Evidence at Trial is hereby **GRANTED**, for the reasons  
8 stated on the record.

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10 Plaintiff is hereby prohibited from making any argument or introducing at  
11 trial any evidence, expert opinion, reference, or inference through questioning or  
12 otherwise, to show that the purchase price in the Opus Trust and Thermax  
13 transactions was not fixed and determinable.

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15 3. Defendant Peter L. Jensen's Motion in Limine No. 1 to Exclude All  
16 References to Basin Water Inc.'s IPO as Part of Any Scheme Liability  
17 Claim is hereby **GRANTED**, for the reasons stated on the record.

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19 Plaintiff is hereby prohibited from making any argument, reference, or  
20 inference through questioning or otherwise or introducing any evidence or expert  
21 opinion at trial to show that Basin Water Inc.'s IPO was part of any alleged scheme  
22 to defraud.

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25 4. Defendant Peter L. Jensen's Motion in Limine No. 2 to Exclude All

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27 [PROPOSED] ORDER GRANTING  
28 DEFENDANTS' MOTIONS *IN LIMINE* TO  
EXCLUDE (1) SEC AGREEMENT WITH  
HANSEN; (2) CERTAIN EXPERT  
EVIDENCE; (3) REFERENCES TO IPO AS  
PART OF SCHEME LIABILITY; AND (4)  
BASIN WATER, INC.'S BANKRUPTCY

1 References to Basin Water Inc.'s Bankruptcy is hereby **GRANTED**,  
2 for the reasons stated on the record.

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4 Plaintiff is hereby prohibited from making any argument, reference, or  
5 inference through questioning or otherwise or introducing any evidence or expert  
6 opinion at trial relating to Basin Water Inc.'s bankruptcy or the causes therefore.

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8 **IT IS SO ORDERED.**

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10 Dated: Dec. 28, 2012



11 Hon. Manuel L. Real  
12 United States District Judge  
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27 [PROPOSED] ORDER GRANTING  
28 DEFENDANTS' MOTIONS *IN LIMINE* TO  
EXCLUDE (1) SEC AGREEMENT WITH  
HANSEN; (2) CERTAIN EXPERT  
EVIDENCE; (3) REFERENCES TO IPO AS  
PART OF SCHEME LIABILITY; AND (4)  
BASIN WATER, INC.'S BANKRUPTCY